

Title of diploma thesis in English language, abstract in English language and 3 keywords in English language

Title of diploma thesis in English language:

Criminal liability of legal persons

Abstract in English language:

In this diploma thesis, the author deals in more detail with the criminal liability of legal persons. Although Act No. 418/2011 Coll., On the criminal liability of legal persons and proceedings against them, has been in force for nine years, the topic of criminal liability of legal persons is still very topical and frequently discussed. Due to the fact that the legal regulation in this area is relatively extensive, the author focuses only on some institutes of criminal liability of legal persons, which she dealt with in more detail.

The first part of this thesis covers private law, where the concept of legal person, the characteristics of a legal person and the characteristics of individual legal persons are approached. In this part of the thesis, the author points out in particular that a correct understanding of the concept of legal person is necessary for a proper understanding of the criminal liability of legal persons and the reasons that led to its entrenchment.

In the second part, the author deals with individual arguments that are not only in favour but also against the introduction of criminal liability of legal persons and tries to answer the question whether it was necessary to enshrine the criminal liability of legal persons in our legal system.

The third and main part of this thesis is devoted to the historical development of criminal liability of legal persons and current legislation, trying not only to provide a clear interpretation of current legislation, but to point out the shortcomings of current legislation and often austere provisions of the law on criminal liability of legal persons that raise a number of questions and discussions in which even experts often do not agree. Due to the scope of the valid legal regulation, the author focuses mainly on the scope of the Act on Criminal Liability of Legal Persons, the institute of attribution, the right of a legal person to defend and sanctioning of legal

persons. The author also points out significant changes to the law, which were made by amendment No. 183/2016 Coll.

The author devoted the fourth and the last part of this thesis to the Austrian legislation. The aim is not give a comprehensive interpretation of the Austrian legislation, but especially to focus on the regulation of the institute of attribution and sanctioning of legal persons and outlining the differences between this and our legislation.

Keywords:

Criminal liability, legal person, criminal law